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CASE 50449/PPDUSPCT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ANDREWS et al.

APPLICATION NO: 10/088,945

INTERNATIONAL APPLICATION NO: PCT/GB00/03573

INTERNATIONAL FILING DATE: September 18, 2000

FOR: GST Sequences from Soybean and Their Use in the Production of Herbicide Resistant Plants

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

This submission is in response to the Notification of Defective Response mailed February 10, 2003, a copy of which is enclosed herewith.

In response to the aforesaid notice, Applicants hereby submit the enclosed substitute computer readable form (CRF) of the Sequence Listing for the above-referenced application along with a Statement of Verification.

Applicants believe that no fee is required for this submission. However, the Commissioner is hereby authorized to charge any fees which may be required under 37 CFR § 1.17, to Deposit Account Number 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,

Syngenta Biotechnology, Inc.
Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709

Date: February 21, 2003

Randee S. Schwartz
Attorney for Applicants
Reg. No. 45,085
Phone: (919) 765-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF VERIFICATION FOR SUBMISSION OF
SUBSTITUTE COMPUTER READABLE FORM
OF SEQUENCE LISTING

Sir:

Applicants hereby provide a substitute computer readable form (CRF) of the Sequence Listing. The undersigned states that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing. No new matter has been added..

Respectfully submitted,

Syngenta Biotechnology, Inc.
Patent Department
3054 Cornwallis Road
Post Office Box 12257
Research Triangle Park, NC 27709-2257



Randee S. Schwartz
Attorney for Applicant
Reg. No. 45,085
Phone: (919) 765-5098

Date: February 21, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PC1
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/088,945 | Syngenta Limited | PPD 50449 UST |

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/GB00/03573 | |
| I.A. FILING DATE | PRIORITY DATE |
| 09/18/2000 | 09/21/1999 |

J Timothy Meigs Patent Department
Syngenta Biotechnology
3054 Cornwallis Road
Research Triangle Park, NC 27709

CONFIRMATION NO. 4663

371 FORMALITIES LETTER



OC000000009496227

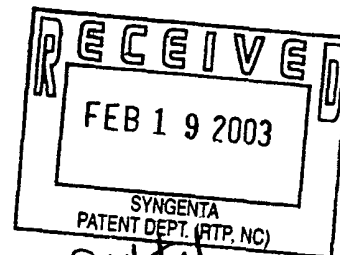
Date Mailed: 02/10/2003

Due: 3/10/03

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments



Applicant's response filed 09/24/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/22/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

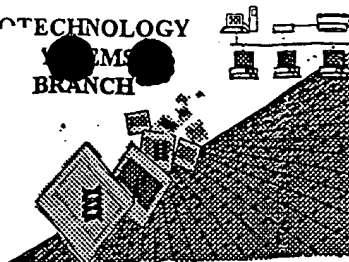
PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/088,945 | PCT/GB00/03573 | PPD 50449/ UST |

P4710

BIOTECHNOLOGY

BRANCH



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/088,945
Filing Date: 3/21/2002
Date Processed by STIC: 1/21/2003

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

melted

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file) (see attached)
☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
☐ Not saved in ASCII text
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

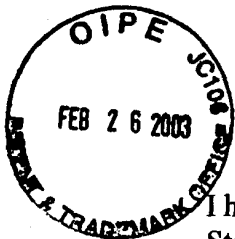
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual: ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service t : U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



FILING BY "FIRST CLASS MAIL" UNDER 37 § C.F.R. 1.8

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

- 1) Response to Notification of Defective Response
- 2) Copy of Notification of Defective Response dated February 10, 2003
- 3) Statement of Verification for Submission of Substitute Computer Readable Form of Sequence Listing
- 4) Substitute computer readable form (CRF) of the Sequence Listing
- 5) Return Postcard

Melissa Hardy

Name


Signature